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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,048	02/04/2002	Pieter Van Dine	A34662	4945

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BAKER & BOTTS  
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NEW YORK, NY 10112

EXAMINER
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COMAS, YAHVEH

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/067,048	<b>Applicant(s)</b> VAN DINE, PIETER	
	<b>Examiner</b> Yahveh Comas	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/6/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>703</u> . | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "18". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 2, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. 6,069,421 in view of Grosh U.S. Patent No. 3,470,917.

Smith discloses a motor comprising an encapsulated stator and an encapsulated rotor having the same structure and a space between the stator and rotor. Also disclose that the casing layers of the rotor and stator is preferably a high strength resin containing high modulus fibers, such as fiberglass, graphite, carbon, boron, quartz or aramid fiber material but doesn't disclose the layers are a composite lamina arrangement comprising a first barrier comprising at least one layer of polymeric resin material containing reinforcing fibers, a strength element surrounding the first liquid barrier and including at least a layer of polymeric resin material and a second liquid barrier surrounding the strength element and comprising at least one polymeric resin material containing reinforcing fibers. However, Grosh disclose a composite reinforced

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pipe with a entire structure held together by cured resinous matrix comprising a veil cloth (26), a layer of filaments (21), a annular disposed filaments preferably made of fiber glass (22), a layer composed of larger particles (24) and smaller particles (25) that can be made of glass, for the purpose of create a structure capable of withstanding internal and external pressure loads.

It would have been obvious to one having skill in the art at the time the invention was made to modify Smith's invention and made a composite lamina arrange comprising a first barrier comprising at least one layer of polymeric resin material containing reinforcing fibers, a strength element surrounding the first liquid barrier and including at least a layer of polymeric resin material and a second liquid barrier surrounding the strength element and comprising at least one polymeric resin material containing reinforcing fibers for the purpose create a structure capable of withstanding internal and external pressure loads.

4. Claim 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. 6,069,421 in view of Grosh U.S. Patent No. 3,470,917, and in further view of Junpei et al. U.S. Patent No. 3,577,024.

Smith, as modify above, disclose the claimed invention except for the composite lamina arrangement has a exposed surface formed with a corrugation pattern to control the flow of liquid through the space between the rotor and the stator. However, Junpei disclose a rotor (30) with a corrugation pattern containing ridges (31 and 32) to control the flow of liquid through the space between the rotor and the stator.

It would have been obvious to one having skill in the art at the time the invention was made to modify Smith's invention and made a corrugation pattern between the stator and rotor for the purpose of control the liquid flow.

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5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. 6,069,421 in view of Grosh U.S. Patent No. 3,470,917, and in further view of Van Dine et al. U.S. Patent No. 6,452,301.

Smith, as modify above, disclose the claimed invention except for the layers of the composite lamina arrangement are made by dry lay-up, resin transfer molding, and wet or preimpregnated filament technique. However, Van disclose a outer wrap (36) for a rotor (34) of a composite material where the composite material is create using the dry lay-up, resin transfer molding, and wet or preimpregnated filament technique for the purpose of assure that the magnets are retained radially in position.

It would have been obvious to one having skill in the art at the time the invention was made to modify Smith's invention and made the composite lamina arrangement made by dry lay-up, resin transfer molding, and wet or preimpregnated filament technique for the purpose of assure that the magnets are retained radially in position.

6. Claim 3, 5, 13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. 6,069,421 in view of Grosh U.S. Patent No. 3,470,917 and in further view of Sadler et al. U.S. Patent No. 4,450,873.

Smith, as modify above, disclose the claimed invention except for the veil cloth made of spun bonded glass, carbon or polymeric fiber. However, Sadler disclose a veil cloths that can be made of variety of fibers including glass, polyester, polypropylene and polyamide fibers for the purpose of made a reinforced plastic composite structure.

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It would have been obvious to one having skill in the art at the time the invention was made to modify Smith's invention and made the veil cloth be made of spun bonded glass, carbon or polymeric fiber for the purpose of made a reinforced plastic composite structure.

Referring to claims 5 and 15, it would have been obvious to one having ordinary skill in the art at the time the invention was made to made the second layer of liquid barrier including a veil cloth made of spun bonded glass, carbon or polymeric fiber, since it has been held that mere duplication of the essential working parts of device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. 6,069,421 in view of Grosh U.S. Patent No. 3,470,917, and in further view of Monette et al. U.S. Patent No. 6,240,971.

Smith, as modify above, disclose the claimed invention except for strength element includes a first layer of polymeric resin material containing continuous fibers extending in a first direction and a second layer of polymeric resin material containing continuous fibers in a second direction at an angle to the first direction. However, Monette disclose a simple pipe construction of a two layer laminated pipe structure having an inner layer (a) comprising embedded fibers disposed at a 90° angle with respect to the longitudinal pipe axis in fixed contact with an outer layer (b) comprising embedded fibers disposed at a different angle, e.g. about +/-40° with respect to the longitudinal pipe axis (see fig. 1) for the purpose of having a composite structure with an increased stiffness and containment strength.

It would have been obvious to one having skill in the art at the time the invention was made to modify Smith's invention and made a two layer laminated pipe structure having an inner

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layer (a) comprising embedded fibers disposed at a 90° angle with respect to the longitudinal pipe axis in fixed contact with an outer layer (b) comprising embedded fibers disposed at a different angle, e.g. about +/-40° with respect to the longitudinal pipe axis for the purpose of having a composite structure with an increased stiffness and containment strength.

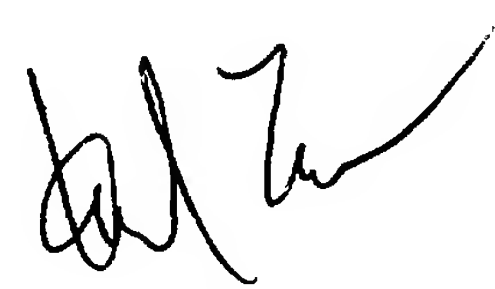
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (703) 305-3419. The examiner can normally be reached on M - F 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 308-0956 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

YC  
July 8, 2003



**KARL TAMAI  
PRIMARY EXAMINER**